

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DONNELL HARRIS,

Plaintiff,

-against-

9:07-CV-0358
(LEK/DEP)

T. ASHLAW, B. SNELL,
S. THOMPSON, *et al.*,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on November 14, 2007, by the Honorable David E. Peebles, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 20).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Peeble's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Additional grounds for dismissal of this matter are provided by Local Rule 41.2(b) of the Northern District of New York which states that "Failure to notify the court of a change of address in accordance with L.R. 10.1(b) may result in the dismissal of any pending action." N.D.N.Y. L.R. 41.2(b). Local Rule 10.1(b)(2) states that "...pro se litigants must immediately notify the court of

any change of address. The notice of change of address is to be filed with the clerk....” N.D.N.Y. L.R. 10.1(b)(2). Copies of the Report-Recommendation were mailed to the parties, with Petitioner’s copy postmarked November 14, 2007. On November 19, 2007 the Report-Recommendation that had been mailed to Petitioner was returned to the Clerk of the Court, with the notation that Plaintiff had been discharged. See Dkt. No. 21. The Clerk had no forwarding address from Petitioner, who has failed to notify the Court of his change of address. Thus, in accordance with the Local Rules, this action is dismissed.

Accordingly, it is hereby

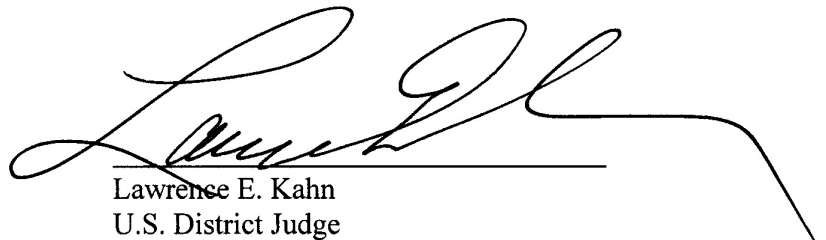
ORDERED, that the Report-Recommendation (Dkt. No. 20) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that Defendants’ Motion to Dismiss (Dkt. No. 19) is **GRANTED**; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: December 05, 2007
Albany, New York



Lawrence E. Kahn
U.S. District Judge